

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DONTE CAMP,)	
)	
Petitioner,)	
)	
v.)	Case No. 1:20-cv-97-SPB-RAL
)	
WARDEN B. TRATE,)	
)	
Respondent.)	

MEMORANDUM ORDER

The petition for a writ of habeas corpus in this case was lodged with the Clerk of Court on May 4, 2020 and referred to United States Magistrate Judge Richard A. Lanzillo for report and recommendation (“R&R”) in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and the Local Rules for Magistrate Judges. ECF No. 1. Petitioner is an inmate at the Federal Correctional Institution in McKean, Pennsylvania. He is currently serving a sentence imposed by the U.S. District Court for the Eastern District of Pennsylvania.

Through this habeas proceeding, Petitioner appears to be seeking compassionate release pursuant to 18 U.S.C §3582(c)(1)(A), as amended by the First Step Act (“FSA”) of 2018, PL 115-391, 132 Stat 5194 (Dec. 21, 2018). Under this provision, a prisoner may seek a reduction of the term of his sentence from “the Court” for “extraordinary and compelling reasons.” 18 U.S.C. §3582(c)(1)(A)(i). Importantly, however, the prisoner must seek such relief from the court that imposed the sentence in question. *See United States v. Raia*, 954 F.3d 594, 596 (3d Cir. 2020) (“Section 3582’s text requires those motions to be addressed to the sentencing court”).

On May 7, 2020, Magistrate Judge Lanzillo issued an R&R recommending that the within petition be dismissed without prejudice to be reasserted in the jurisdiction where the

Petitioner was sentenced, in accordance with the First Step Act. ECF No. [2]. Objections to the R&R were due by May 26, 2020. To date, no objections have been filed.

Accordingly, after *de novo* review of the petition and related documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 4th day of June, 2020, IT IS ORDERED that the within petition for a writ of habeas corpus [3] shall be, and the same hereby is, DISMISSED without prejudice to the Petitioner's right to seek the same relief by filing a motion with the sentencing court in his underlying criminal case.

IT IS FURTHER ORDERED that the Report and Recommendation of Magistrate Judge Lanzillo, issued on May 7, 2020, ECF No. [2], shall be, and hereby is, adopted as the Opinion of this Court.

As there are no further matters pending before the Court relative to the instant petition, the Clerk is directed to mark this case "CLOSED."



SUSAN PARADISE BAXTER
United States District Judge

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The Honorable Richard A. Lanzillo (via CM/ECF)